

REMARKS

Claims 1-10 have been rejected under 35 USC 102(b) as anticipated by Albal. The rejection is respectfully traversed.

Albal discloses a device to communicate flexibly between two subscribers, by providing means for storing media, for converting media, and transmitting media via different transport technologies to provide a media-independent delivery capability. Additionally, Albal indicates that conversions or delays due to scheduling might be performed to take advantage of tariffs or special offerings (see col. 2, lines 19-27; col. 3, lines 31-37; col. 3, 49-52). This storing and scheduling shows that real-time considerations are not disclosed in Albal. That is, Albal teaches away from providing a transmission between subscribers requiring a real-time connection via a connection that in part does not support real-time transmission, as required by the claimed invention.

The Examiner argues “that Albal teaches of a connection between the computer workstation (30) and a local server (28), which reads on establishing a real-time connection to at least one first intermediate station and transmitting data to the first intermediate station.” However, there is no disclosure that this connection between the computer workstation (30) and a local server (28) is a real-time connection. Indeed, services provided by computer workstations typically do not require real-time connections.

Referring to figures 5 to 9 of Albal, different embodiments illustrate a near-end and a far-end acknowledgment between communication partners. However, a careful review of the reference discloses that there is no teaching or suggestion of failing to send (i.e. not sent or preventing from sending) with an acknowledgement for verification of a correct transmission provided from the at least one first intermediate station to the at least one first subscriber, as required by the invention (as amended). Specifically, in Albal, during the near-end acknowledgment in the reference, an intermediate station provides a response (i.e. sends an acknowledgement) to the subscriber.

Additionally, Albal discloses non-real-time transmission technology, e.g. e-mail transmission. Nor does Albal suggest that this non-real-time transmission technology can be employed in the context of a real-time connection between subscribers that require real-time transmission. Therefore, the feature “forwarding, from the at least one first intermediate station, the data to at least one second intermediate station over a connection which at least in part does not support real-time transmission” is not disclosed by the applied reference.

The Examiner identifies a LAN server (42) connected via a subscriber line (40) to LAN (38) - disclosed in figure 1 of Albal - with an establishment of a real-time connection between the at least one second subscriber and the at least one second intermediate station, and transmitting the data to the at least one second subscriber. Applicant's respectfully disagree. Figure 1 does not show a LAN server (42) connected via a subscriber line (40) to LAN (38). Rather, it shows a LAN server (42) that is used to connect a LAN (38) via a subscriber line (40) to a WAN (13). Secondly, such a topology does not teach or suggest a real-time connection with the previously mentioned feature set. Conventionally, a LAN and a WAN are both TCP/IP-based networks that typically provide non-real-time services.

Since the recited structure and method are not disclosed by the applied prior art, claims 1 and 7 are patentable. Claims 2-6 and 8-10, depending from either claim 1 or 7, are similarly patentable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection

with the filing of this document to Deposit Account No. 03-1952 referencing docket no.449122010500.

Dated: January 18, 2006

Respectfully submitted,

By 

Kevin R. Spivak

Registration No.: 43,148

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7762